

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AURELIO GALLEGOS-PALAFIX,

Petitioner,

vs.

BRAD HANSEN,

Respondent.

8:16CV291

**MEMORANDUM
AND ORDER**

Petitioner filed a Notice of Appeal ([Filing No. 28](#)) and a Motion to Proceed in Forma Pauperis ([Filing No. 29](#)) on January 17, 2018. *See Fed. R. App. P. 4(c)*. Petitioner appeals from the court's Order and Judgment dated November 16, 2017 ([Filing No. 24](#); [Filing No. 25](#)). He also requests a certificate of appealability. ([Filing No. 30](#).)

Upon review of Plaintiff's Motion for Leave to Appeal in Forma Pauperis, the court finds Plaintiff may proceed in forma pauperis on appeal. The court in its Order and Judgment dated November 16, 2017, informed Petitioner that it would not issue a certificate of appealability in this matter. Accordingly, his request for a certificate ([Filing No. 30](#)) is denied.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion for Leave to Proceed in Forma Pauperis ([Filing No. 29](#)) is granted. Petitioner may proceed in forma pauperis on appeal.
2. Petitioner's request for a certificate of appealability ([Filing No. 30](#)) is denied.

3. The clerk of the court shall provide the Eighth Circuit Court of Appeals with a copy of this order.

Dated this 30th day of January, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge